

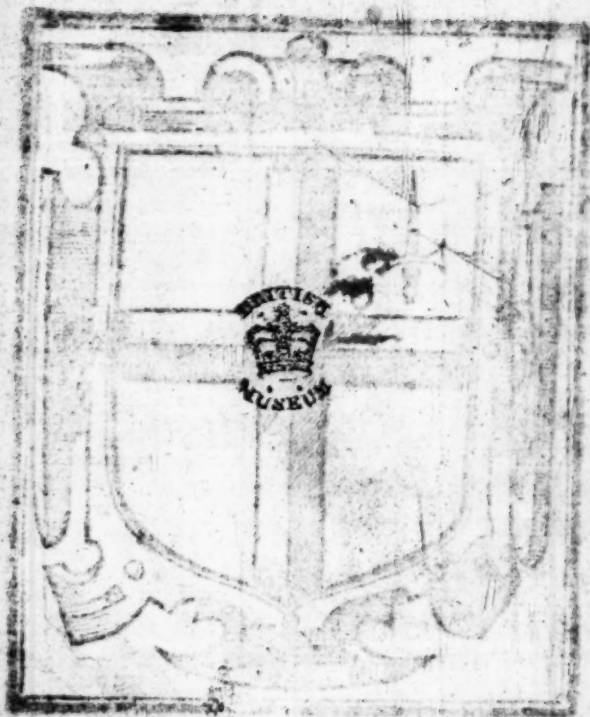
An Act for the Better
Regulating Orphans

815 21
20



At London

Common Council



((1))



*Commune Concilium tent' in Guildhall
Civitatis London, decimo tertio die
Octobris, Anno Regni EDVARDI
Sexti, Dei gratia, Angliæ, Franciæ,
& Hiberniæ Regis, Fidei Defensoris,
& in terra, Ecclesiæ Angliæ &
Hyberniciæ supremi Capituli, quinto;
coram Andrea Judd, Milite, Majore
Civitatis præd^æ, Richardo Laxton,
Hows, Syll, Jervys, White, Turk,
Hynde, Lyon, Kyrton, Osley,
Ayliff, Wyther, Huet, Robyns,
&c., Lambard Vic^{us}, ac maiore parte
Communiar^{um}, &c. sic ordinat' fuit.*

FOrasmuch as the City
of London is of late
years sore decayed, and

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(2)

daily is likely to decay
more and more; A great
Cause and Occasion where-
of (amongst other) hath
been, for that Free-mens
Children, Orphans of the
said City, sometimes in
the Lives of their Pa-
rents, and sometimes after
their Decease, being left
wealthy and rich, do be-
stow themselves in ungodly
Marriages for the most
part in their young age at
their own Wills and plea-
sures, Without the Consent
and against the minds of
their Friends, saying and
affirming, that the Law
and

and Custom of the said City giveth unto them their Portions, Whether they marry by the Consent of their Friends or not; and so do daily cast away and undo themselves in trust to have their said Portions, Whether their Parents or Friends Will or Will not; And thereby do bestow themselves upon simple and light Persons, having neither Cunning or Knowledge, Substance ne good or honest Conditions, by reason Whereof such Orphans inordinately and insolently do spend and

(4)

consume their Patrimony
and Portions in short time,
not only to the Undoing
of themselves, and to the
great ignominy and Shame
of their Friends, but also
to the great Slander of
the Lord Maior and Al-
dermen of this City, who
have been reputed and ta-
ken as Fathers and Pro-
tectors of the same Or-
phans, and to the great
Loss and Hinderance of
the said City: And for-
asmuch as the said Lord
Maior and Citizens have
by their Laws and Cu-
stoms, Power and Au-
tho-

thority to make Lawes
and Ordinances by their
Common Council for Re-
dress of the same; It is
therefore now (to the intent
to reduce the same to a
more godly, more profit-
able, and decent Order and
Conformity) by the said
Lord Maior and Commu-
nalty and Citizens in this
present Common Council
assembled, and by the Au-
thority of the same Com-
mon Council, Ordained,
Enacted, Authorized, and
Established for a Law per-
petually to be observed and
kept within the said City:

That if any Orphan or
 Child of any Free-man or
 Free-woman of the said
 City do offend in any the
 things hereafter expressed,
 and be thereof lawfully con-
 victed before the Maior and
 Aldermen or elsewhere; That
 then they and every of them
 shall to all Intent, Pur-
 poses, Constructions, and
 Meanings be unabled and
 barred to demand and claim
 their Portion or Portions,
 and also shall lose and for-
 go, and be debarred for
 ever of all and every his,
 her, or their Part or Parts
 and Portions to him or
 them

them belonging by and af-
 ter the Death of his said
 Father or Mother of the
 Goods and Chattels of
 every such Father and
 Mother, by reason of any
 Law, Custom, Ordinance,
 Usage, Franchise, Privi-
 ledge, Act of Common
 Council, or other thing
 heretofore had or used with-
 in the said City, the same
 Law, Custom, Ordinance,
 or other thing whatsoever
 heretofore had, made, or-
 dained, allowed, and put in
 use to the contrary in any
 wise notwithstanding: that
 is to wit, First, if any Man.
 child

1st

child or Woman-child shall
 maliciously go about or at-
 tempt to do or cause to be
 done any bodily Harm,
 Death, or Destruction to
 his or their Father or Mo-
 ther; or if any Man-child
 do hereafter Marry or
 contract Marriage in the
 Life of his Father or Mo-
 ther, by whom he will claim
 any Port on, under the age
 of One and Twenty years,
 without the Consent of his
 said Father or Mother, by
 whom he will claim any
 Portion: Or if any Wo-
 man-child do hereafter mar-
 ry or contract Marriage in
 the

2th3th

the Life of her Father or
 other Parent, by Whom she
 shall claim any Portion,
 before the age of Eighteen
 years, Without the Consent
 of her Father, or such other
 Parent, by Whom she shall
 or may claim any Portion;
 or if any Man-child be a
 Thief or a Felon, or com-
 mon Whore-haunter, or
 common Dicer, or a com-
 mon Player at unlawful
 Games notoriously known;
 or if any Woman-child
 shall hereafter commit any
 Whoredom, or be a com-
 mon Picker, then every of
 the Persons so offending
 shall

4th5th

shall be barred and excluded to have or demand any Portion.

Provided alwayes, that it shall be lawfull for the Father or Mother of any such Child or Children to give and bequeath in Legacy to such Child or Children as much as the Portion of such Child so offending shall amount unto by the Custom of the said City, and then such Child thereby to be inabled to have and demand the same as Portion, this Act notwithstanding; so that the same Legacy be contained in his or their Testa-

stament in writing and not otherwise; and that then and from thenceforth his said Child or Children to be admitted and restored to claim such Legacy or Legacies in such sort, manner, and form as if there had been never any such Offence done or committed by any such Child.

Item, It is further Ordained, Enacted, Authorized, and Established by Authority aforesaid, That if any Woman-Child being an Orphan and under the age of Twenty One years, at any time hereafter, after
the

the Death of her Father do
 ensure or contract herself
 in Marriage, or else accor-
 ding to the Ecclesiastical
 Lawes of this Realm, do
 perfectly solemnize or con-
 summate Marriage with
 any Free-man of this City,
 the Consent and Agreement
 of the Lord Mayor and Al-
 dermen of the said City of
 London for the time being
 not obtained and had; that
 then for every such Default
 and Offence committed or
 done by any Orphan or Or-
 phans of the said City, the
 same being confessed or suf-
 ficiently proved by two

Wit-

Witnesſes or otherwiſe be-
 fore the ſaid Lord Mayor
 and Aldermen of this ſaid
 City of London for the time
 being at or in a Court of
 Aldermen, He or they that
 ſo happen to behabe her or
 themſelves as is aforeſaid,
 ſhall forfeit, forgo, and loſe
 twelve pence of and for eve-
 ry pound ſo due or to be due
 unto her or them by reaſon
 of ſuch Orphanage, the
 Sum of twelve pence of
 every pound to go or to be to
 the uſe of the Chamber of
 the ſaid City, according to
 the antient Cuſtom before
 this time in ſuch caſe uſed;
 and

and if the said Contract or
 Marriage of the said Or-
 phan or Orphans be made
 with any Forrein, not being
 free of this City at the time
 of any such Contract or
 Marriage made; that then
 the said Orphan or Or-
 phans and every of them
 shall forfeit and lose three
 shillings of every pound due
 or to be due unto her or them
 by virtue of any Orphan-
 age or Custom had or used
 within the said City; the
 one shilling of the said three
 shillings of every pound to
 go or to be to the use of the
 Chamber of the said City
 in

in such manner and form
as is aforesaid, and the
other two shillings so for-
feited of every pound, to
go to the use of such other
Orphan or Orphans as
then shall remain unmar-
ried, or else for default of
such Orphans or Orphan,
to remain to the next of the
kindred of the Orphan so
offending.

Also, Be it further Ena-
cted, Ordained, and Esta-
blished by Authority afore-
said, for and in discharge
of divers Variances, Con-
tentions, and Suits that
daily heretofore have, and
hereafter

hereafter may ensue, That
 if any Freemans Child,
 Man or Woman, fortune
 to be married hereafter in
 the Life-time of his or their
 Father, by his Consent,
 and not fully advanced of
 and to his or her full Part
 or Portion of his or her said
 Fathers Goods as he shall
 be worth at the time of his
 Decease, according to the
 antient Laws and Cu-
 stoms of this said City;
 that then every such Free-
 mans Child so being mar-
 ried in the Life-time of his
 or her Father, shall be to
 all intents and purposes
 disabled

disabled to demand any further Part or Portion of his or her Fathers Goods after the Decease of his or her Father, but shall be adjudged, reputed, or taken to be fully advanced according to the Law and Custom of this City hath been long time out of mind: Except his or her said Father do mention certainly in his last Will or Testament, or by some other Writing signed with his own proper name or mark, the certainty of the Sum or Sums of Money, Goods, and Chattels, and the va-

lue of them that the Father
 gave, paid, or departed with-
 al, or otherwise assured,
 or hereafter shall give, pay,
 depart withal, or other-
 wise make assurance of un-
 to him or her, before at or
 after the Marriage of him
 or her, or otherwise in his
 Life-time for and towards
 their Advancement in the
 name of his or her Part
 or Portion; and then eve-
 ry such Orphan or Child
 which after the Decease
 of his or her said Father,
 can bring forth the said
 Testament or other Wri-
 ting signed or marked with
 the

the Fathers Hand or Mark,
 wherein the certainty of
 such Money, Goods, or
 Chattels as they gave or
 shall have received of their
 said Father, or by the same
 Father assured by especi-
 ally or otherwise, shall have
 as more of the ready Mo-
 ney, Goods, Chattels, and
 Debts of the said Father,
 as with that which he
 or they shall have received
 towards their Advance-
 ments in the Life of their
 said Father shall make up
 a full Childs Part of his
 Goods and Chattels as he
 shall be worth at the time
 of

of his Decease; the same
 to be demanded, asked, and
 claimed, or sued for against
 the Executor or Executors,
 Administrator or Admini-
 strators of the Goods and
 Chattels of the said Father,
 by Bill original to be com-
 menced in our Sovereign
 Lord the King's Court
 holden in the utter Cham-
 ber of the Guildhall of the
 said City before the said
 Lord Mayor and Alder-
 men of the same City for
 the time being; any Law
 or Custom heretofore made
 or used to the contrary
 notwithstanding; in which
 Action

Action no Wager of Law
or Escoin shall be admitted
or allowed.

Provided always, and
it is further Enacted, That
if any Freemans Son being
of full age, which shall
hereafter be married with
the Consent of his Father,
or any other Person being
of full age, which shall here-
after marry any Freemans
Daughter do at the time of
the Espousals, or at any
time after, confess them-
selves by Writing fully
satisfied of his or their Porti-
on, or do otherwise acquit
or discharge the said Father

of such Freemens Sons or
 Daughters of all their Part
 and Portion due or to be
 due by the Law and Cu-
 stom of the City, that then
 every such Person so con-
 fessing, acquitting or other-
 wise discharging, shall be re-
 puted and taken as fully ad-
 vanced of his or their whole
 Part or Portion, and shall
 not be able to Demand any
 further or greater Part of
 the Substance, Goods, and
 Chattels of his or her Fa-
 ther, this Law or any other
 Law or Custom heretofore
 had, made, or used to the
 contrary notwithstanding.

And

And further forasmuch
as it is thought very pre-
judicial and hurtful to the
fatherless Children and Or-
phans when the Mother or
Mother in Law being Exe-
cutrix of the last Will and
Testament of her late hus-
band, by whom and after
whose Death the Orphans
are entituled to an Orpha-
nage according to the lau-
dable Customs and Ordi-
nances of this City, do di-
vers times marry or con-
tract Matrimony, some
with Forreiners and Per-
sons unknown, and some
with Freemen, or ever a
just

full Inventory of the Goods,
 Chattels, Plate, Jewels,
 ready Money of the Testa-
 tors be by them brought in,
 by reason whereof many
 times they either for fear or
 affection of their husbands,
 or for some other sinister
 cause, do bring in very sus-
 picious Inventories omit-
 ting therein either ready
 Money, Plate, Jewels, or
 Debts or some other thing
 or things whereby some
 Benefit should redound to
 the fatherless Children to
 the great Loss and Hin-
 drance of the Orphans, and
 sometime Slander to the
 Lord

Lord Mayor and Aldermen
 of this City, notwithstanding
 the great Care and
 Travail that they take for
 the good ordering and true
 answering of the said Or-
 phans: It is therefore by
 like Authority Ordained,
 Established and Enacted,
 that if, after the first day of
 November next ensuing, any
 Widow which is or shall
 be made Executrix of the
 Testament and last Will of
 her late Husband being a
 Freeman, or shall take upon
 her the Administration of
 the Goods and Chattels of
 her late Husband being a
 Free-

Freeman, do not upon her
 Oath bring in and exhibite,
 or cause to be brought in
 and exhibited before the
 Lord Mayor and Aldermen
 of this said City for the
 time being, at and in a Court
 of Aldermen, a just and per-
 fect Inventory to their
 knowledge of all the Goods,
 Chattels, Plate, and Jew-
 els, ready Money, and Debts
 as were her said Husbands
 at the time of his Death,
 appraised according to the
 Law of the said City, be-
 fore she do ensure herself in
 Marriage or contract Mar-
 riage, or else according to
 the

the Lawes of the Realm,
do perfectly solemnize or con-
summate Marriage With
any Person before such time
as aforesaid, that then every
Person so offending shall
forfeit and lose eight Shyl-
lings of every pound of her
Portion of the Goods of her
late Husband due to her by
the laudable Customs of
this said City, the same to
go to the use of such Orphan
or Orphans as then shall
be entituled to have or de-
mand any Orphanage or
Portion after the Death of
his or her late Father, the
same to be demanded, asked,
claimed,

claimed, or sued for against
 such Executrix or Admini-
 stratrix by Bill original of
 Debt to be commenced in
 our Sovereign Lord the
 Kings Court holden in the
 utter Chamber of the Guild-
 hall of the said City before
 the Lord Mayor and Al-
 dermen of the same City
 for the time being, any
 Law, &c. In which Action
 no Wager, &c.



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